

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT CATONE,

Defendant.

CASE NO. 2:22-cr-00201-LK

ORDER GRANTING UNOPPOSED
MOTION TO EXTEND
SCHEDULE TO GOVERN A
THIRD-PARTY CLAIM

This matter comes before the Court on the Government's Motion for Extended Scheduling Order to Govern a Third-Party Claim. Dkt. No. 47. The Government previously requested that the Court issue a scheduling order governing ancillary proceedings arising from Vicente Cruz's claim to property that has been preliminarily forfeited in this case. Dkt. No. 44 at 1; *see also* Dkt. No. 35 (preliminary order of forfeiture); Dkt. No. 43 at 1–2, 5 (Government's notice of receipt of third-party claim and Mr. Cruz's claim). The Court granted that motion and issued a scheduling order setting a May 1, 2024 deadline for discovery and a June 30, 2024 deadline for dispositive motions. Dkt. No. 45 at 2.

1 Now, the Government requests that the Court extend the deadlines “due to ongoing
2 discovery that has not been concluded during the anticipated period.” Dkt. No. 47 at 1.¹
3 Specifically, the Government requests to extend the discovery deadline to July 1, 2024 to “allow[]
4 time to serve and review responses to requests for production of documents, interrogatories, and
5 requests for admission,” and to take depositions if needed. Dkt. No. 47 at 4. The Government also
6 seeks to extend the dispositive motions deadline to August 30, 2024. *Id.* Neither Mr. Catone nor
7 Mr. Cruz has responded to the motion.

8 Courts may permit discovery and entertain motions related to a third-party claim pursuant
9 to Federal Rule of Criminal Procedure 32.2(c)(1). To the extent an evidentiary hearing on a third-
10 party claim is required, courts conduct those hearings pursuant to 21 U.S.C. § 853(n)(2) and (4)–
11 (6).

12 The Court, having reviewed the Government’s Motion, Dkt. No. 47, as well as the other
13 papers and pleadings filed in this matter, including Mr. Cruz’s claim, Dkt. No. 43, hereby finds
14 good cause to extend the deadlines for discovery and dispositive motions.

15 NOW, THEREFORE, THE COURT ORDERS:

- 16 1) The Government’s Motion, Dkt. No. 47, is granted;
17 2) The Government and Vicente Cruz (collectively, the “Parties”) may engage in discovery
18 related to the identified petition. The discovery period closes on July 1, 2024;
19 3) Thereafter, the Parties shall file any dispositive motions no later than August 30, 2024;
20 and
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23 ¹ The Government filed its motion on April 23, 2024 and noted it pursuant to the Local Criminal Rules for May 5,
24 2024, after the May 1, 2024 discovery deadline had passed. *Id.* Counsel is reminded that “[a] motion for relief from a
deadline should, whenever possible, be filed sufficiently in advance of the deadline to allow the court to rule on the
motion prior to the deadline.” LCrR 12(b)(10).

1 4) If necessary, an evidentiary hearing will be scheduled and held after resolution of
2 dispositive motions.

3 5) The United States shall serve this Order on Vicente Cruz via certified mail and file proof
4 of service with the Court no later than May 20, 2024.

5 The Court also notifies Mr. Cruz that to file motions, responsive briefing, or other
6 appropriate submissions with the Court, he may either (1) mail them to the Court at U.S. District
7 Court, 700 Stewart Street, Seattle, WA, 98101 with the case number for this case (2:22-cr-201-
8 LK) on all documents, or (2) sign up to file electronically by contacting the CM/ECF Support
9 Team and following their instructions. Mr. Cruz can reach the CM/ECF Support Team by phone
10 at (206) 370-8440, option #2 or by email at cmecf@wawd.uscourts.gov.

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12 Dated this 7th day of May, 2024.

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14 Lauren King
15 United States District Judge
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